

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE: § **CASE NO. 22-33814**
AUTOVOCITY TRANSPORT, LLC §
§
§
§
Debtor § **CHAPTER 11**

EMERGENCY MOTION FOR AUTHORITY TO USE CASH COLLATERAL

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Autovocity Transport, LLC (“Debtor”) and files this Emergency Motion for Authority to Use Cash Collateral pursuant to 11 U.S.C. § 363. The Debtor presents this motion and respectfully represents the following:

1. On December 22, 2022 ("Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 ("Bankruptcy Code") and is now operating its business as a Debtor-In-Possession.

2. The Debtor continues to manage and operate its business as Debtor-In-Possession pursuant to §§1107 and 1108 of the Bankruptcy Code. No creditors' committee has been appointed in this case by the United States Trustee.

3. A search in the Texas Secretary of State shows that allegedly secured positions are held by (1) U.S. Small Business Administration; (2) MCA Servicing; (3) Samson Horus, (4) Byzfunder, (5) Simply Funding, (6) Vivian Capital, (7) Vault 26 Capital, (8) Novus Capital, and (9) G and G Funding Group LLC (*see Exhibit "B"*).

4. Debtor seeks to use the cash collateral for expenses set forth on Exhibit "A" and any other unforeseeable expenses that may arise and pose a threat to the Debtor's continued operations.

5. **Emergency Consideration:** Emergency consideration is requested because the Debtor depends on the use of cash collateral for payroll, supplies, and other general operating expenses. If the Debtor is unable to use cash collateral, it will be forced to cease operations.

6. It is critical to the operation of the Debtor's business, and to its reorganization efforts, that it be permitted to pay these expenses using cash collateral. The Debtor produces revenue from its transportation business and would use such revenue to pay the budgeted expenses.

7. Attached as Exhibit "A" is a 14-day and 30-day budget for the Debtor, showing projected income and expenses. The amounts listed are reasonable and good faith estimations of what the Debtor needs to spend each month to continue the operations of its business and reorganize.

8. In addition to Exhibit A, the following Exhibit is also attached:

Exhibit B

UCC Lien Search

Exhibit C

Declaration of Rafael Dominguez

9. Debtor requests authority to use the cash collateral for expenses set forth on Exhibit "A" and any other unforeseeable expenses that may arise and pose a threat to the Debtor's continued operations. Specifically, the Debtor requests authority to use the cash collateral to pay up to 110% of each expense in Exhibit A, so long as the total of cash collateral spent during the month does not exceed by more than 5% of that month's total in Exhibit A.

WHEREFORE, PREMISES CONSIDERED, the Debtor requests this matter be set for an emergency hearing and that upon hearing, the Court will enter an Interim Order authorizing the Debtor's use of the cash collateral in the amounts set forth in Exhibit "A" and for such other and further relief as the Debtor may show itself justly entitled.

Respectfully submitted,

THE LANE LAW FIRM, PLLC
/s/Robert C. Lane
Robert C. Lane
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6200 Savoy, Suite 1150
Houston, Texas 77036
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PROPOSED COUNSEL FOR DEBTOR

CERTIFICATE OF CONFERENCE

I, Attorney Joshua Gordon certify that on December 23, 2022, my office sent electronic correspondence to the following parties who may have an interest in cash collateral:

U.S. Small Business Administration - chad.cowan@usdoj.gov

MCA Servicing - info@MCAservicingcompany.com

Samson Horus - info@samsonfunding.com

Byzfunder - uw@byzfunder.com

Simply Funding - info@simplyfunding.com

Vivian Capital - mose@viviancapitalgrp.com

Novus Capital - info@novuscapfunding.com

G and G Funding Group LLC - info@gandgfunding.com

/s/ Joshua Gordon
Joshua Gordon

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Emergency Motion for Authority to Use Cash Collateral was served upon the US Trustee and to the parties listed on the service list below and the attached mailing matrix either via electronic notice by the court's ECF noticing system or by United States first class mail, postage prepaid, on December 23, 2022:

Debtor:

Autovocity Transport, LLC
2925 Richmond Ave, Ste 1200
Houston, TX 77098

US Trustee:

Office of The United States Trustee
515 Rusk Street, Suite 3516
Houston, TX 77002

/s/Robert C. Lane
Robert C. Lane

Label Matrix for local noticing

0541-4

Case 22-33814

Southern District of Texas

Houston

Fri Dec 23 07:41:38 CST 2022

G&G Funding

57 West 57th Street 4th Floor

New York, NY 10019-2827

AutoVocity Transport, LLC

2925 Richmond Ave. Suite 1200

Houston, TX 77098-3143

United States Bankruptcy Court

PO Box 61010

Houston, TX 77208-1010

Novus Capital Funding

7 Elmwood Drive Suite 301

New City, NY 10956-5144

Rafael Dominguez, Jr

419 E. 24th

Houston, TX 77008-2348

Regus Management Group LLC

15305 North Dallas Parkway 400

Addison, TX 75001-6922

Samson MCA LLC

17 State Street 6th Floor

New York, NY 10004-1501

Simply Funding LLC

45 Broadway Suite 2450

New York, NY 10006-3760

Texas Workforce Commission

PO BOX 12548, MC-008

Austin, TX 78711-2548

The Lane Law Firm

6200 Savoy Dr Ste 1150

Houston, TX 77036-3369

U.S. Small Business Administration

1545 Hawkins Blvd 202

El Paso, TX 79925-2654

US Trustee

Office of the US Trustee

515 Rusk Ave

Ste 3516

Houston, TX 77002-2604

Vault Capital

506 2nd Ave Unit 2200

Seattle, WA 98104-2359

Vivian Capital Group

486 Market St

Newark, NJ 07105-2916

Robert Chamless Lane

The Lane Law Firm

6200 Savoy Drive

Ste 1150

Houston, TX 77036-3369

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)AutoVocity Transport, LLC
2925 Richmond Ave. Suite 1200
Houston, TX 77098-3143End of Label Matrix
Mailable recipients 16
Bypassed recipients 1
Total 17